

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO: 07-408**

**v.**

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**SECTION: "I"**

**AARON WHITE**

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**FACTUAL BASIS**

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On or about November 26, 2005, Aaron White ("WHITE") began renting an apartment located at 1434 ½ North Derbigny Street, New Orleans, Louisiana. WHITE leased the apartment through November 30, 2007.

On July 6, 2007, July 13, 2007, July 18, 2007, July 27, 2007, October 23, 2007, and November 8, 2007, an undercover police officer ("U/C") purchased quantities of heroin from Wayne Williams II ("Williams"), in exchange for United States currency. The quantities of heroin were forensically analyzed and determined to weigh 4.1 grams, 1.6 grams, 1.7 grams, 1.4 grams, 6.3 grams, and 6.4 grams, respectively. During the course of the investigation, Williams told the U/C that his source for heroin was a New Orleans fireman named "Milton."

On at least three occasions, just before Williams sold quantities of heroin to the U/C, surveillance officers saw Williams meet briefly with Milton Joseph IV ("Joseph"). Further, just before meeting with Williams on those three occasions, surveillance units saw Joseph drive his vehicle, park, and go to the apartment located at 1434 ½ North Derbigny Street. He then departed in his vehicle and met Williams.

On October 18, 2007, the Honorable Sarah S. Vance, District Court Judge in the Eastern District of Louisiana, entered an order that authorized a Title-III wire intercept of conversations over a cellular telephone used by Joseph. The wire intercept was terminated on November 16, 2007. On October 23, 2007, a call was intercepted between WHITE and Joseph. At the time of their conversation, Joseph was inside the apartment located at 1434 ½ North Derbigny Street. The relevant portion of their conversation regarding the apartment, is as follows:

Joseph: We gonna have to keep this spot....

WHITE: You think so?

Joseph: Yeah, Dog. 'Cause like, you probably...you going to be doing your thing soon.

WHITE: Definitely. Definitely....The only thing...they be trippin' on that...light bill. Know what I mean?

Joseph: What that thing be like?

WHITE: ....Like two-three hundred dollars.

Joseph: 'Cause I don't turn on no lights when I come into this thing.

WHITE: I know. I know. Alls you use it is [for] what-cha-ma-call-it....It's up to you.....  
I mean that would be the perfect spot if it wouldn't be so high.

Joseph: Right.

WHITE: [It's] centrally located, you know what I'm saying? You can tell your people to meet you around the corner....

Joseph: Right. Right.

WHITE: You know what I'm saying; meet me at da-da-da....Unless you want to find something cheaper than that.

Joseph: It's got to be a nice location. That's all I'm saying....

On November 2, 2007, November 6, 2007, and November 8, 2007, police officers recovered a total of approximately 4.35 grams of heroin from three individuals shortly after they were seen purchasing heroin from Joseph. Further, on October 26, 2007, a conversation was intercepted between Joseph and Joseph's source for heroin, Damon Burkhalter ("Burkhalter"). Burkhalter agreed to sell 14 grams of heroin to Joseph. Joseph subsequently received the 14 grams of heroin from Burkhalter in the New Orleans area and sold the heroin to two individuals who resided in Mississippi. In addition, on October 26, 2007, Joseph agreed to sell one of the aforementioned individuals from Mississippi twenty-eight (28) grams of heroin for \$3000 as soon as he received an additional supply of heroin from his source, Burkhalter.

On or about November 3, 2007, Burkhalter re-supplied Joseph with a large quantity of heroin. However, because the purity of the heroin was poor, Joseph immediately received complaints about its quality from his customers. As a result, Joseph and Burkhalter engaged in a number of conversations in an effort to remedy the problem regarding the purity of the heroin. Ultimately, on November 15, 2007, Burkhalter and Joseph agreed to purchase 28 grams of heroin, from an alternative heroin source, to mix with the heroin possessed by Joseph in an effort to increase its purity.

On November 30, 2007, a search warrant was executed at 1434 ½ North Derbigny Street, New Orleans, Louisiana. Inside the residence, approximately 20.3 grams of heroin were recovered, along with digital scales, a box of plastic baggies, aluminum foil wrap, a cutting agent, a plate, two spoons, a grinding machine, and cutting materials. The two spoons, plate, electronic scale, and grinding machine were sent to the laboratory for analysis. Forensic analysis confirmed that the spoons, plate, and digital scale contained heroin residue. Analysis further confirmed that the grinder contained heroin residue. The amount of residue taken from the grinder weighed 1.1 grams. Also inside the residence were utility bills addressed to WHITE. Further, laying on top of the night stand, beside the only bed in the residence, was a magazine for a firearm which contained nine .40 caliber live rounds.

At or near the time the search warrant was executed on November 30, 2007, WHITE was arrested as he was driving his Pontiac Grand Am automobile. The vehicle was registered to WHITE. During a search of WHITE'S vehicle incident to his arrest, a loaded .40 caliber Glock semi-automatic pistol was recovered under the driver's seat. The magazine and ammunition in the firearm recovered in WHITE'S vehicle, were identical to the magazine and ammunition recovered inside 1434 ½ North Derbigny Street. It should also be noted, when Joseph was arrested on November 30, 2007, in his pocket were keys to 1434 ½ North Derbigny Street.

At trial the government would present testimony that would prove that Aaron White leased the apartment located at 1434 ½ North Derbigny Street, New Orleans, Louisiana, and that he controlled the premises by allowed some of his co-defendants to store drugs in and sell drugs from this location.

All of the drugs that were recovered during the course of this investigation was tested by the DEA Laboratory in Dallas, Texas and all substances tested positive for illegal drugs, including cocaine base, heroin, and Diazepam. Furthermore, based on the wire intercepts, undercover purchases, and statements of co-conspirators the defendant, **Aaron White**, and the government agree and stipulate that he should be held accountable for at least 80 grams but less than 100 grams of heroin that were reasonably foreseeable to him during the course of this conspiracy.

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Maurice Landrieu (Date)  
Assistant United States Attorney

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Valerie Welz Jusselin (Date)  
Counsel for Defendant

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Aaron White (Date)  
Defendant